

## REMARKS

The Examiner's recognition of Applicant's invention by the indication of allowable subject matter in claims 5, 10, 21 and 26 is gratefully acknowledged.

### *Claim Rejection under 35 USC § 102(b)*

Claims 1-4, 6-9, 11-20, and 22-25 were rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,638,484, issued to Nelson et al. in 2003.

As recognized in the Office Action, Applicant is also the inventor listed in the '484 patent. While Applicant reserves a right to present his Declaration, as suggested in the Office Action, Applicant believes that such Declaration is not necessary for the reasons below.

In order for a patent to be a reference under Section 102(e), the application for the patent must have been filed before the invention by the applicant. The application for the '484 patent was filed on December 19, 2000. The present application was filed on March 2, 2000, before the application for the '484 patent. Moreover, the present application claims the benefit of a provisional patent application filed June 29, 1999. In view of the earlier filing date, the application for the '484 patent was not filed before the present invention and so does not meet the condition of Section 102(e). Accordingly, the '484 patent is not a proper reference under Section 102(e), or any other provision of Section

102, and should be withdrawn.

Even if considered, the '484 patent shows a non-thermal plasma reactor that comprises exhaust channels that include the dielectric barrier layers, and is free of dedicated conductive passages, see the Abstract. In contrast, the present non-thermal plasma reactor includes both exhaust channels and conductive channels, as recited in claim 1. Thus, the '484 patent is readily distinguished from the present invention, and does not teach, or even suggest Applicant's invention.

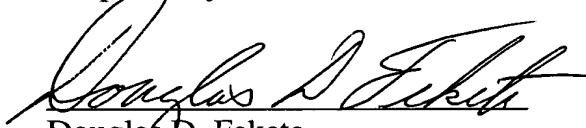
For these reasons, it is respectfully requested that the '484 patent be withdrawn as a reference, that the rejection similarly be withdrawn, and that the claims be allowed.

*Conclusion*

It is believed, in view of the above, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

Douglas D. Fekete

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